



PATENT APPLICATION
Docket No. 3301-011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael W. Wallace, et al. Confirmation No. 3557
Serial No. 10/066,144 Examiner: Namitha Pillai
Filed: January 31, 2002 Group Art Unit: 2173
For: ANIMATED SCREEN OBJECT FOR ANNOTATION AND
SELECTION OF VIDEO SEQUENCES
Date: August 22, 2005

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST
FOR REVIEW

Applicants respectfully request review of the final rejection dated May 20, 2005 in the above-identified application. No amendments are being filed with this request. In compliance with the provisions set forth in the New Pre-Appeal Brief Conference Pilot Program, this request is being filed with a Notice of Appeal.

Applicants provide the following reasons for Pre-Appeal Brief Review.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 22, 2005


Kim M. Ramsey

Pre-Appeal Brief Request For Review

The following is a pre-appeal brief requesting review of clear factual errors made during the course of rejecting pending claims of U.S. Patent Application No. 10/066,144. Removal or further clarification of these errors would facilitate prosecution of the application.

The pending application includes a total of 23 claims – three of them [1, 10, and 19] independent. All claims are pending as originally filed. All claims continue to be rejected under 35 U.S.C. §102(a) as being anticipated by a single piece of prior art, a paper published in CHI, April 2000, entitled "Browsing Digital Video" by Li, et al. ("Li").

Operation of Invention

The present invention is directed to a novel method for illustrating flow of video segments within a graphical browsing interface. A critical thrust of the invention is using the concept of a "focus position" to illustrate past, present, and future segments to be played. The following is taken from the application at page 7, lines 22-30 referring to FIGs. 4 and 5.

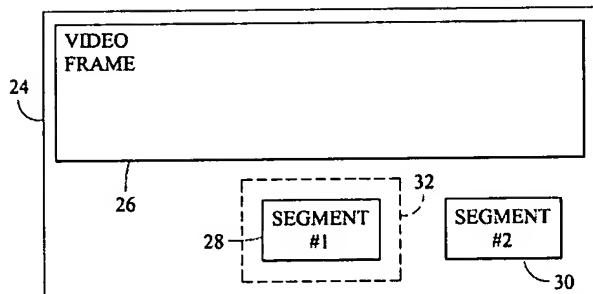


FIG. 4

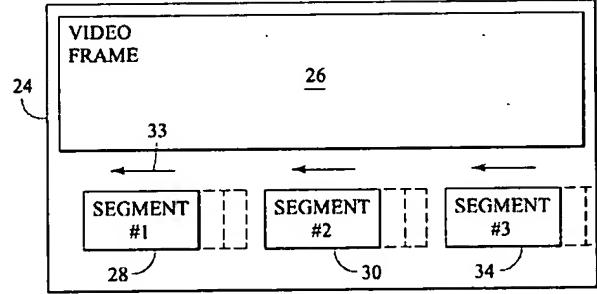


FIG. 5

"The focus position 32 is interposed between the now-moved first control button 28 and the third control button 34. Once video segment 2 has completed play, the following sequence of events occur: associated control object 30 is moved to the left out of the focus position 32, leftmost first object 28 is moved off the display screen 24, third control object 34 moves into the focus position, and a fourth object (not shown in FIG. 5) is simultaneously moved into the position previously vacated by the third control object 24. The object movement occurs in substantial synchronicity with the start of the next

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video segment 3 and the end object position results in the focus position being interposed between the control object 30 and the fourth (not shown) control object."

Review is being requested to address the following factual deficiencies asserted by the Examiner during prosecution:

- (1) Li teaches a "focus position", and
- (2) Li operates by "moving the second control object to the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first and second video segments."

Failure of Li to teach any of the two above items would result in traverse of the §102(a) rejection.

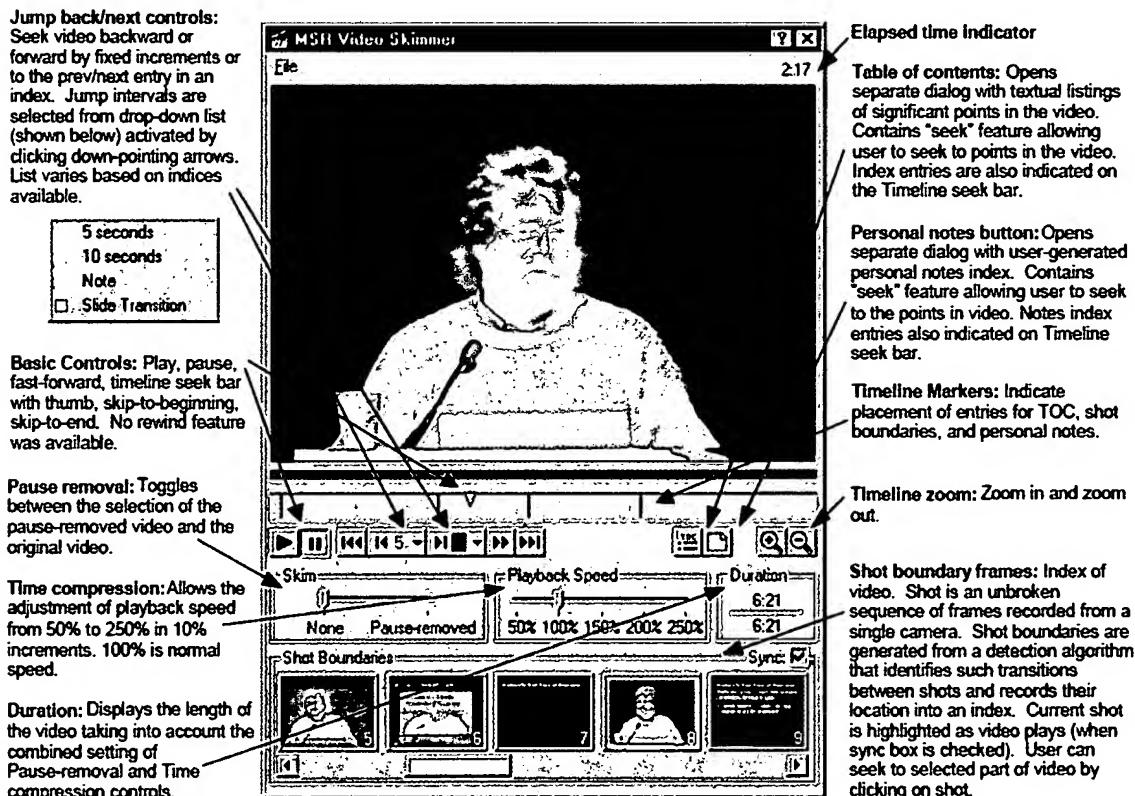


Figure 1. Enhanced Browser User Interface

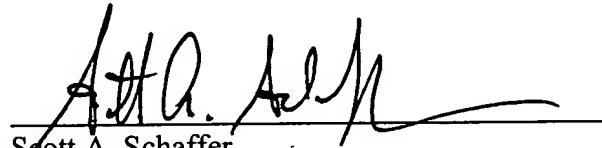
The pertinent section (Figure 1) of the Li reference is reproduced above. The bottom portion of the figure is the important section. Such a section shows "shot boundary frames" arranged horizontally within a browsable pictorial menu. By operation, a user clicks on one of the shot boundary frames to play the video sequence associated with the selected frame. The current shot being played is highlighted. As the

browser bar is moved from left to right, the highlighted frame moves from right to left. So long as the user does not click another shot boundary frame, the highlighted frame can be moved without altering the video being played. For this reason, Applicants assert that there is no concept within Li of a focus position or, if there is, that such position has no bearing on which video is being played within the video display window.

If a video segment ends in Li, the highlighting moves from the current frame to an adjacent frame without a corresponding move of the next frame into the original frame's position. Again, frame position in Li has nothing to do with which frame is currently being played. Accordingly, it is Applicants view that Li moves the focus to a different position. Li does not, as in claim 1 of the present application, move the next frame to the first frame's (focus) position as the second video starts to be played. Accordingly, Applicants believe the §102(a) rejection to be a clear error in need of correction or further clarification.

Respectfully submitted,

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